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October 4, 1993

RECEIVED
OCT 12 1993

**SUPERFUND PROGRAM
MANAGEMENT BRANCH**

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Marsha A. Adams
5 HSM-5J, Responsible Party Search Section
United States Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

EPA Region 5 Records Ctr.



338104

Re: Request for Information Pursuant to
Section 104(e) of CERCLA for the Stickney
Avenue Landfill and the Tyler Street Dump Site
in Toledo, Ohio: Responses of U.S. Reduction Co.
and 2025 Corporation

Dear Ms. Adams:

Enclosed herewith is the original and one copy of the Objections, Disclaimers, Denials and Responses of U.S. Reduction Co. and 2025 Corporation to your Agency's Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §9604 (e). Please note that the request was received on September 19, 1993 and September 20, 1993 respectively. Moreover, as I appreciated, an extension of time was granted until today to respond.

Please be advised that the verification of this information will be forthcoming. Mr. Thomas R. Hendon, the Director of Environmental Affairs for U.S. Reduction Co. and 2025 Corporation is on special assignment. His executed verification will be provided to you by separate letter.

Very truly yours,

William A. Speary, Jr.
William A. Speary, Jr.

WAS/pb
Encls.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)
)
Stickney Avenue Landfill)
and Tyler Street Dump Sites)
Toledo, Ohio)
_____)

**U.S. REDUCTION CO.'S OBJECTIONS, DISCLAIMERS, DENIALS
AND RESPONSES TO THE U.S. ENVIRONMENTAL
PROTECTION AGENCY'S REQUEST FOR INFORMATION**

Respondent, U.S. Reduction Co., a Delaware corporation, f/k/a U.S. Reduction Acquisition Corp., with facilities located at 3838 Cecelia Avenue, Toledo, Ohio ("U.S. Reduction")¹, by its attorneys, hereby responds to the U.S. Environmental Protection Agency's ("U.S. EPA's") Request For Information Pursuant To Section 104(e) of the Comprehensive Response Compensation and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9604(e), as follows:

I.

GENERAL OBJECTIONS

U.S. Reduction objects to each and every Request For Information ("RFI") as set forth in a letter it received on August 19, 1993 from U.S. EPA (Exhibit "A" attached hereto), (hereinafter "August 19 letter"), in that each such RFI is arbitrary and capricious, an abuse of agency discretion and/or otherwise not in accordance with the law in that: (i) The investigation herein

¹ Unless otherwise stated, any reference to "U.S. Reduction" herein shall include the corporation and any or all of its past or present officers, directors, shareholders, employees, agents, contractors and any other person with whom U.S. Reduction ever has had a contractual relationship of any kind.

exceeds U.S. EPA's authority; (ii) Each request is too indefinite; and (iii) The information requested is irrelevant to any legislative purpose.

In particular, and without limiting the scope of the foregoing, U.S. Reduction objects to each and every RFI contained in the August 19 letter, as follows:

1. U.S. Reduction objects to each and every RFI as being overly broad, indefinite, vague, vexatious and not designed to solicit information or documents for which the U.S. EPA is entitled under CERCLA. U.S. Reduction also objects to each and every RFI to the extent it calls for information and documents that are in the exclusive possession and control of the U.S. EPA, the Ohio Environmental Protection Agency ("OEPA"), or other third parties over whom U.S. Reduction has no control.

Without admitting any liability whatsoever, and for the sole purpose of lodging these objections, U.S. Reduction would state the following:

- The U.S. EPA's RFI's ask for information and documents dating back more than 40 years ago. They also ask, without limitation, for information from all of U.S. Reduction's "companies, subsidiaries, parent corporation, predecessors, successors and other business entities". This requires a review of literally millions of pages of documents stored in various locations throughout the U.S. and abroad.

- Moreover, the business now conducted by a corporation known as U.S. Reduction has gone through several transformations in the course of the last thirty years. These transformations include stock acquisitions and asset transfers to new corporations.² As a consequence, many corporate records have been lost, destroyed or are in the exclusive possession and control of third parties over whom U.S. Reduction has no control. Finally, through these transformations, U.S. Reduction has lost, through attrition or termination, several key employees who could be sources of the information sought by the U.S. EPA's RFI's. Many of these former employees are deceased or their whereabouts are unknown.

2. U.S. Reduction objects to the U.S. EPA's requirement that its responses include a "notarized affidavit of a responsible company official or representative." Nowhere in CERCLA is U.S. EPA specifically authorized to require that this information be provided under oath; nor is there any provision for a penalty to fail to provide this information under oath. In lieu thereof, and without waiving this objection, U.S. Reduction has provided a verification by its Director of Environmental Affairs (Exhibit "B" attached hereto).

3. U.S. Reduction objects to these RFI's to the extent they seek information or documents that are subject to any legally

² For instance, the current corporation known as U.S. Reduction Co. was not incorporated until 1984 - years after the events in question occurred.

protected privilege, including but not limited to, the attorney/client privilege and/or the attorney work product privilege. U.S. Reduction also objects to the extent these RFI's seek information that is otherwise proprietary or confidential.

II.

DISCLAIMERS AND DENIALS

1. By objecting or responding to the U.S. EPA's RFI's, U.S. Reduction does not admit, but rather it denies, any and all liabilities whatsoever, whether at law or in equity, whether joint and several or in contribution or indemnity, for any environmental cleanup; removal or remedial action; natural resources damages; civil or criminal penalties; personal injury of any kind (including death); property damage of any kind (including total or partial loss of use); consequential damages of any kind (including lost profits), which may arise from the transportation, treatment, storage, disposal, release or threatened release of any materials, including solid wastes, hazardous wastes, hazardous substances, pollutants or contaminants to, at or from the treatment, storage or disposal facilities that are the subject of U.S. EPA's RFI's, the so-called the Stickney Avenue Landfill and the Tyler Street Dump located in Toledo, Ohio ("**Sites**"). This denial also includes, but is not limited to, any liability whatsoever, whether strict liability or in negligence, and whether imposed by any federal, state or local statute, rule, regulation, common law or otherwise, including but not limited to any liability imposed by CERCLA, 42 U.S.C. § 9601, et seq.; any liability imposed by the Resource

Conservation and Recovery Act, 42 U.S.C. § 6901, et seq.; any liability imposed by the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, et seq.; and any liability imposed by the Clean Air Act, as amended, 42 U.S.C. § 7401, et seq.

2. By objecting or responding to the U.S. EPA's RFI's, U.S. Reduction does not admit, but rather it denies, that it caused, contributed to or allowed, directly or indirectly, any violation of any applicable federal, state or local law, rule, regulation, ordinance, license or permit, including but not limited to, any such law, etc., designed to protect the environment or public health. Nor does U.S. Reduction admit that any act or failure to act by it, or any of its past or present officers, shareholders, directors, employees, contractors, agents or any other person with whom it may have had a contractual relationship of any kind, constitutes any form of illegal or negligent conduct, including gross or wilful neglect; or that it has committed, caused, contributed to or allowed, either directly or indirectly, any trespass or any public or private nuisance.

3. By objecting or responding to the U.S. EPA's RFI's, U.S. Reduction states that it has no personal knowledge of any release or threatened release of a hazardous substance, pollutant or contaminant at or from the Sites. Therefore, U.S. Reduction does not admit, but rather it denies, that any act or omission by U.S. Reduction or any of its past or present officers, directors, shareholders, employees, contractors, agents or any other person with whom it may have had a contractual relationship of any kind

caused, allowed or otherwise contributed to, directly or indirectly, any release or threatened release of a hazardous substance, pollutant or contaminant to, at or from the Sites.

4. By objecting or responding to U.S. EPA's RFI's, U.S. Reduction does not admit, but rather it denies, that it was ever the owner/operator of the Sites. Nor has U.S. Reduction ever held any indicia of ownership in the Sites. Nor has U.S. Reduction ever exercised any control over the day-to-day operation of the Sites. Nor has U.S. Reduction ever entered into any contractual relationship of any kind granting it control over the day-to-day operation of the Sites. Nor has U.S. Reduction ever been an officer, director, shareholder, employee, agent, partner (including joint venture partner) or contractor of the owner/operator of the Sites.

5. Some of the information sought by the U.S. EPA's RFI's may be contained in documents that are in U.S. Reduction's possession. These documents speak for themselves. Section 104(e)(C)(i) of CERCLA, 42 U.S.C. §9604(e)(C)(i), allows access to these documents for review and copying by any duly designated officer, employee or representative of U.S. EPA. Therefore, where it deems it appropriate, in lieu of a written response, U.S. Reduction has chosen to provide any duly designated officer, employee or representative of the U.S. EPA access to those documents that are not subject to a legally protected privilege and provided that the U.S. EPA shall keep confidential and not disclose or release those documents or their contents which U.S. Reduction identifies as confidential and proprietary in accordance with 40

CFR Part 2 and the August 12 letter. These documents are available, upon three (3) days notice, at the offices of U.S. Reduction's attorneys, Much Shelist Freed Denenberg & Ament, P.C., Suite 2100, 200 North LaSalle Street, Chicago, Illinois 60601-1095. The contact person is Mary Lou Gassinger at (312) 346-3100.

6. Some of the documents being produced by U.S. Reduction were not prepared by U.S. Reduction; nor did it assist in any way in their preparation. Therefore, by producing these documents, U.S. Reduction does not vouch for their authenticity, truth or accuracy.

7. U.S. Reduction continues to investigate this matter. Therefore, it reserves the right to supplement or revise its objections and responses, etc., with additional or new information or documents that are not subject to attorney/client, attorney work product or any other privilege. Where appropriate, U.S. Reduction also reserves the right to have any such information or document deemed confidential/proprietary withheld from disclosure pursuant to 40 CFR Part 2 and the August 19 letter.

III.

RESPONSES

Without waiving its general objections, disclaimers and denials previously set forth herein, U.S. Reduction responds to the U.S. EPA's RFI's, as set forth in the August 19 letter, as follows:

1. Request For Information: "Identify all persons consulted in the preparation of the answers to these Information Requests."

Response: Thomas R. Hendon. Mr. Hendon is Director of Environmental Affairs for U.S. Reduction.

2. **Request For Information:** "Identify all documents consulted, examined, or referral (sic) to in the preparation of the answers to these Requests and provide copies of all such documents."

Objection: Without waiving its general objections set forth herein, U.S. Reduction objects to this RFI to the extent that it seeks information that is confidential, privileged or proprietary.

Response: Without waiving any prior objection, pursuant to §104(e)(C)(i) of CERCLA, 42 U.S.C. §9604(e)(C)(i), and provided U.S. EPA shall keep confidential and not release or disclose those documents or their contents that U.S. Reduction identifies as confidential/proprietary as set forth in the August 19 letter and 40 CFR Part 2, U.S. Reduction hereby agrees to provide access to any duly designated officer, employee or representative of U.S. EPA to its documents that are responsive to this RFI and which are not otherwise subject to a lawfully protected privilege. Said documents are available for review and copying, upon three (3) days notice, at the offices of its attorneys, Much Shelist Freed Denenberg & Ament, P.C., 200 North LaSalle Street, Suite 2100, Chicago, Illinois 60601-1095.

3. **Request For Information:** "If you have reason to believe that there may be persons able to provide a more detailed or

complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons."

Response: U.S. Reduction knows of no other person save Mr. Hendon who is able to provide a more detailed or complete response.

4. **Request For Information:** "List the EPA Identification Numbers of the Respondent."

Response: U.S. Reduction states that its U.S. EPA Identification No. is OH005039359.

5. **Request For Information:** "Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom."

Objection: Without waiving its general objections set forth previously herein, U.S. Reduction objects to this RFI as being vague, indefinite, abusive and vexatious in that the RFI does not identify the particular hazardous substance release or threatened release in terms of location or date.

Objection: Without waiving its general objections set forth previously herein, U.S. Reduction objects to this RFI to the extent that it is worded so that any response there to presumes that U.S. Reduction, its employees, contractors or agents caused the release or threatened release of hazardous substances, pollutants or contaminants at the Sites and any damages therefrom, which U.S. Reduction denies.

Response: Without waiving any objection previously set forth herein, U.S. Reduction states that it has no personal knowledge of any release or threat of release of hazardous substances, pollutants or contaminants at or from the Sites. U.S. Reduction denies that it, or any of its past or present officers, shareholders, employees, contractors, agents or any other person with whom it may have had a contractual relationship of any kind, caused, contributed to or allowed, directly or indirectly, any release or threatened release of any hazardous substance, pollutant or contaminant at or from the Sites.

6. **Request For Information:** "Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site."

Response: To the best of U.S. Reduction's knowledge and belief, no employee of U.S. Reduction, past or present, has any such knowledge. Other persons who may have such knowledge are past and present employees of unaffiliated third parties over whom U.S. Reduction has no control. Therefore, U.S. Reduction cannot vouch for their credibility for truth or veracity; and, therefore, U.S. Reduction reserves the right to challenge their creditability in this or any other proceeding, including but not limited to, any federal or state judicial or administrative proceeding, whether now pending or instituted in the future.

7. **Request For Information:** "Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste

materials, including hazardous substances, at the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
- q) All persons with knowledge, information, or documents responsive to a - p above."

Objection: Without waiving its general objections previously stated herein, U.S. Reduction objects to this RFI because it is worded such that a response presumes that U.S. Reduction arranged for the disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances, materials or solid wastes at or to the Site, which U.S. Reduction denies.

Response: U.S. Reduction has no personal knowledge that it or anyone else ever arranged for disposal or treatment of its hazardous substances or solid wastes at the Sites. Therefore, U.S. Reduction denies that it ever did.


a. - q. See response above. Not applicable.

8. **Request for Information:** "If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?"

Response: Ordinarily, all materials (including any by-products) generated by the U.S. Reduction Toledo Plant are sold to customers who use those materials in their manufacturing process or who reclaim precious metals from those materials. From time-to-time, between 1950 and approximately 1965, by-product materials were stored at the Toledo Plant until customers were found to purchase these materials. Beginning about 1965, these materials were shipped away from the Toledo Plant for storage in anticipation of sale to others. Offsite storage was at a facility operated by Municipal Services, Inc. and located at 2020 Manhattan Boulevard, Toledo, Ohio. In some cases, the materials were sold for use in the concrete industry in the Toledo area. Other quantities of this material were sold to secondary smelting operations in Newark, Ohio and Rock Creek, Ohio. On those rare occasions where no buyer could be found, by-product materials were sent to a landfill located in Monroe County, Michigan.

Respectfully submitted by:

U.S. Reduction Company

By: 
William A. Speary, Jr.
Attorney for U.S. Reduction Co.

Of Counsel

William A. Speary, Jr.

Karen K. Litscher

MUCH SHELIST FREED DENENBERG & AMENT, P.C.

200 North LaSalle Street

Suite 2100

Chicago, Illinois 60601

(312) 346-3100

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)
)
Stickney Avenue Landfill)
and Tyler Street Dump Sites)
Toledo, Ohio)
_____)

**2025 CORPORATION'S OBJECTIONS, DISCLAIMERS, DENIALS
AND RESPONSES TO THE U.S. ENVIRONMENTAL
PROTECTION AGENCY'S REQUEST FOR INFORMATION**

Respondent, 2025 Corporation, a Delaware corporation, f/k/a U.S. Reduction Co., which previously owned facilities located at 3838 Cecelia Avenue, Toledo, Ohio ("2025")¹, by its attorneys, hereby responds to the U.S. Environmental Protection Agency's ("U.S. EPA's") Request For Information Pursuant To Section 104(e) of the Comprehensive Response Compensation and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9604(e), as follows:

I.

GENERAL OBJECTIONS

2025 objects to each and every Request For Information ("RFI") as set forth in a letter it received on August 20, 1993 from U.S. EPA (Exhibit "A" attached hereto), (hereinafter "**August 20 letter**"), in that each such RFI is arbitrary and capricious, an abuse of agency discretion and/or otherwise not in accordance with the law in that: (i) The investigation herein exceeds U.S. EPA's

¹ Unless otherwise stated, any reference to "2025" herein shall include the corporation and any or all of its past or present officers, directors, shareholders, employees, agents, contractors and any other person with whom 2025 ever has had a contractual relationship of any kind.

authority; (ii) Each request is too indefinite; and (iii) The information requested is irrelevant to any legislative purpose.

In particular, and without limiting the scope of the foregoing, 2025 objects to each and every RFI contained in the August 20 letter, as follows:

1. 2025 objects to each and every RFI as being overly broad, indefinite, vague, vexatious and not designed to solicit information or documents for which the U.S. EPA is entitled under CERCLA. 2025 also objects to each and every RFI to the extent it calls for information and documents that are in the exclusive possession and control of the U.S. EPA, the Ohio Environmental Protection Agency ("OEPA"), or other third parties over whom 2025 has no control.

Without admitting any liability whatsoever, and for the sole purpose of lodging these objections, 2025 would state the following:

- The U.S. EPA's RFI's ask for information and documents dating back more than 40 years ago. They also ask, without limitation, for information from all of 2025's "companies, subsidiaries, parent corporation, predecessors, successors and other business entities". This requires a review of literally millions of pages of documents stored in various locations throughout the U.S. and abroad.
- Moreover, the business now conducted by a corporation known as 2025 has gone through several transformations in

the course of the last thirty years. These transformations include stock acquisitions and asset transfers to new corporations.² As a consequence, many corporate records have been lost, destroyed or are in the exclusive possession and control of third parties over whom 2025 has no control. Finally, through these transformations, 2025 has lost, through attrition or termination, several key employees who could be sources of the information sought by the U.S. EPA's RFI's. Many of these former employees are deceased or their whereabouts are unknown.

2. 2025 objects to the U.S. EPA's requirement that its responses include a "notarized affidavit of a responsible company official or representative." Nowhere in CERCLA is U.S. EPA specifically authorized to require that this information be provided under oath; nor is there any provision for a penalty to fail to provide this information under oath. In lieu thereof, and without waiving this objection, 2025 has provided a verification by its former Director of Environmental Affairs (Exhibit "B" attached hereto).

3. 2025 objects to these RFI's to the extent they seek information or documents that are subject to any legally protected privilege, including but not limited to, the attorney/client privilege and/or the attorney work product privilege. 2025 also

² For instance, the current corporation known as U.S. Reduction Co. was not incorporated until 1984 - years after the events in question occurred.

objects to the extent these RFI's seek information that is otherwise proprietary or confidential.

II.

DISCLAIMERS AND DENIALS

1. By objecting or responding to the U.S. EPA's RFI's, 2025 does not admit, but rather it denies, any and all liabilities whatsoever, whether at law or in equity, whether joint and several or in contribution or indemnity, for any environmental cleanup; removal or remedial action; natural resources damages; civil or criminal penalties; personal injury of any kind (including death); property damage of any kind (including total or partial loss of use); consequential damages of any kind (including lost profits), which may arise from the transportation, treatment, storage, disposal, release or threatened release of any materials, including solid wastes, hazardous wastes, hazardous substances, pollutants or contaminants to, at or from the treatment, storage or disposal facilities that are the subject of U.S. EPA's RFI's, the so-called the Stickney Avenue Landfill and the Tyler Street Dump located in Toledo, Ohio ("**Sites**"). This denial also includes, but is not limited to, any liability whatsoever, whether strict liability or in negligence, and whether imposed by any federal, state or local statute, rule, regulation, common law or otherwise, including but not limited to any liability imposed by CERCLA, 42 U.S.C. § 9601, et seq.; any liability imposed by the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq.; any liability imposed by the Federal Water Pollution Control Act, as amended, 33 U.S.C.

§ 1251, et seq.; and any liability imposed by the Clean Air Act, as amended, 42 U.S.C. § 7401, et seq.

2. By objecting or responding to the U.S. EPA's RFI's, 2025 does not admit, but rather it denies, that it caused, contributed to or allowed, directly or indirectly, any violation of any applicable federal, state or local law, rule, regulation, ordinance, license or permit, including but not limited to, any such law, etc., designed to protect the environment or public health. Nor does 2025 admit that any act or failure to act by it, or any of its past or present officers, shareholders, directors, employees, contractors, agents or any other person with whom it may have had a contractual relationship of any kind, constitutes any form of illegal or negligent conduct, including gross or wilful neglect; or that it has committed, caused, contributed to or allowed, either directly or indirectly, any trespass or any public or private nuisance.

3. By objecting or responding to the U.S. EPA's RFI's, 2025 states that it has no personal knowledge of any release or threatened release of a hazardous substance, pollutant or contaminant at or from the Sites. Therefore, 2025 does not admit, but rather it denies, that any act or omission by 2025 or any of its past or present officers, directors, shareholders, employees, contractors, agents or any other person with whom it may have had a contractual relationship of any kind caused, allowed or otherwise contributed to, directly or indirectly, any release or threatened

release of a hazardous substance, pollutant or contaminant to, at or from the Sites.

4. By objecting or responding to U.S. EPA's RFI's, 2025 does not admit, but rather it denies, that it was ever the owner/operator of the Sites. Nor has 2025 ever held any indicia of ownership in the Sites. Nor has 2025 ever exercised any control over the day-to-day operation of the Sites. Nor has 2025 ever entered into any contractual relationship of any kind granting it control over the day-to-day operation of the Sites. Nor has 2025 ever been an officer, director, shareholder, employee, agent, partner (including joint venture partner) or contractor of the owner/operator of the Sites.

5. Some of the information sought by the U.S. EPA's RFI's may be contained in documents that are in 2025's possession. These documents speak for themselves. Section 104(e)(C)(i) of CERCLA, 42 U.S.C. §9604(e)(C)(i), allows access to these documents for review and copying by any duly designated officer, employee or representative of U.S. EPA. Therefore, where it deems it appropriate, in lieu of a written response, 2025 has chosen to provide any duly designated officer, employee or representative of the U.S. EPA access to those documents that are not subject to a legally protected privilege and provided that the U.S. EPA shall keep confidential and not disclose or release those documents or their contents which 2025 identifies as confidential and proprietary in accordance with 40 CFR Part 2 and the August 12 letter. These documents are available, upon three (3) days notice, at the offices

of 2025's attorneys, Much Shelist Freed Denenberg & Ament, P.C., Suite 2100, 200 North LaSalle Street, Chicago, Illinois 60601-1095. The contact person is Mary Lou Gassinger at (312) 346-3100.

6. Some of the documents being produced by 2025 were not prepared by 2025; nor did it assist in any way in their preparation. Therefore, by producing these documents, 2025 does not vouch for their authenticity, truth or accuracy.

7. 2025 continues to investigate this matter. Therefore, it reserves the right to supplement or revise its objections and responses, etc., with additional or new information or documents that are not subject to attorney/client, attorney work product or any other privilege. Where appropriate, 2025 also reserves the right to have any such information or document deemed confidential/proprietary withheld from disclosure pursuant to 40 CFR Part 2 and the August 20 letter.

III.

RESPONSES

Without waiving its general objections, disclaimers and denials previously set forth herein, 2025 responds to the U.S. EPA's RFI's, as set forth in the August 20 letter, as follows:

1. **Request For Information:** "Identify all persons consulted in the preparation of the answers to these Information Requests."

Response: Thomas R. Hendon. Mr. Hendon is the former Director of Environmental Affairs for 2025.

2. **Request For Information:** "Identify all documents consulted, examined, or referral (sic) to in the preparation of the answers to these Requests and provide copies of all such documents."

Objection: Without waiving its general objections set forth herein, 2025 objects to this RFI to the extent that it seeks information that is confidential, privileged or proprietary.

Response: Without waiving any prior objection, pursuant to §104(e)(C)(i) of CERCLA, 42 U.S.C. §9604(e)(C)(i), and provided U.S. EPA shall keep confidential and not release or disclose those documents or their contents that 2025 identifies as confidential/proprietary as set forth in the August 20 letter and 40 CFR Part 2, 2025 hereby agrees to provide access to any duly designated officer, employee or representative of U.S. EPA to its documents that are responsive to this RFI and which are not otherwise subject to a lawfully protected privilege. Said documents are available for review and copying, upon three (3) days notice, at the offices of its attorneys, Much Shelist Freed Denenberg & Ament, P.C., 200 North LaSalle Street, Suite 2100, Chicago, Illinois 60601-1095.

3. **Request For Information:** "If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons."

Response: 2025 knows of no other person save Mr. Hendon who is able to provide a more detailed or complete response.

4. **Request For Information:** "List the EPA Identification Numbers of the Respondent."

Response: 2025 states that its U.S. EPA Identification No. is OH005039359.

5. **Request For Information:** "Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom."

Objection: Without waiving its general objections set forth previously herein, 2025 objects to this RFI as being vague, indefinite, abusive and vexatious in that the RFI does not identify the particular hazardous substance release or threatened release in terms of location or date.

Objection: Without waiving its general objections set forth previously herein, 2025 objects to this RFI to the extent that it is worded so that any response there to presumes that 2025, its employees, contractors or agents caused the release or threatened release of hazardous substances, pollutants or contaminants at the Sites and any damages therefrom, which 2025 denies.

Response: Without waiving any objection previously set forth herein, 2025 states that it has no personal knowledge of any release or threat of release of hazardous substances, pollutants or contaminants at or from the Sites. 2025 denies that it, or any of its past or present officers, shareholders, employees, contractors,

agents or any other person with whom it may have had a contractual relationship of any kind, caused, contributed to or allowed, directly or indirectly, any release or threatened release of any hazardous substance, pollutant or contaminant at or from the Sites.

6. **Request For Information:** "Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site."

Response: To the best of 2025's knowledge and belief, no employee of 2025, past or present, has any such knowledge. Other persons who may have such knowledge are past and present employees of unaffiliated third parties over whom 2025 has no control. Therefore, 2025 cannot vouch for their credibility for truth or veracity; and, therefore, 2025 reserves the right to challenge their creditability in this or any other proceeding, including but not limited to, any federal or state judicial or administrative proceeding, whether now pending or instituted in the future.

7. **Request For Information:** "Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process

for which the substance was used or the process which generated the substance;

- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were

deposited at the Site, and all markings on such containers;

- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
- q) All persons with knowledge, information, or documents responsive to a - p above."

Objection: Without waiving its general objections previously stated herein, 2025 objects to this RFI because it is worded such that a response presumes that 2025 arranged for the disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances, materials or solid wastes at or to the Site, which 2025 denies.

Response: 2025 has no personal knowledge that it or anyone else ever arranged for disposal or treatment of its hazardous substances or solid wastes at the Sites. Therefore, 2025 denies that it ever did.

a. - q. See response above. Not applicable.

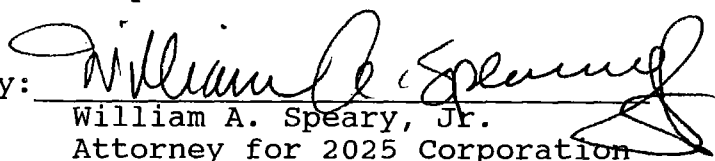
8. **Request for Information:** "If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?"

Response: Ordinarily, all materials (including any by-products) generated by the 2025 Toledo Plant are sold to customers who use those materials in their manufacturing process or who reclaim precious metals from those materials. From time-to-time,

between 1950 and approximately 1965, by-product materials were stored at the Toledo Plant until customers were found to purchase these materials. Beginning about 1965, these materials were shipped away from the Toledo Plant for storage in anticipation of sale to others. Offsite storage was at a facility operated by Municipal Services, Inc. and located at 2020 Manhattan Boulevard, Toledo, Ohio. In some cases, the materials were sold for use in the concrete industry in the Toledo area. Other quantities of this material were sold to secondary smelting operations in Newark, Ohio and Rock Creek, Ohio. On those rare occasions where no buyer could be found, by-product materials were sent to a landfill located in Monroe County, Michigan.

Respectfully submitted by:

2025 Corporation

By: 
William A. Speary, Jr.
Attorney for 2025 Corporation

Of Counsel

William A. Speary, Jr.

Karen K. Litscher

MUCH SHELIST FREED DENENBERG & AMENT, P.C.

200 North LaSalle Street

Suite 2100

Chicago, Illinois 60601

(312) 346-3100



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 12 1993

REPLY TO THE ATTENTION OF:
5HSM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

2025 Corporation
U.S. Corp. Co. (Agent)
32 Lookerman Square
Suite L-1000
Dover, Delaware 19901

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio.

Dear Sir or Madam:

This Agency is conducting an investigation of the release or threatened release of hazardous substances at the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio during the time period of 1951 to 1981. The Agency is also investigating how the substances at the Site came to be located there. We believe you may have information concerning these matters.

Under federal law (Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), you must respond to the enclosed information requests. If you do not respond fully and truthfully to each of the questions, or adequately justify your failure to respond, within thirty (30) days of your receipt this letter, enforcement action may be brought against you. For further definition of the potential penalties and legal references, please see the enclosed Instructions.

Your response to this Information Request should be mailed to Marsha A. Adams, 5HSM-5J, Responsible Party Search Section, at the above address. Her telephone number is (312) 353-9484.

Please direct any legal questions you may have to Sherri Estes at (312) 886-7164. If you have any other questions, contact Thomas Barounis at (312) 353-5577.

Thank you for your cooperation in this matter.

Sincerely,

Thomas W. Mateer, Chief
Superfund Program Management Branch



STICKNEY AVENUE LANDFILL SITE
AND
TYLER STREET DUMP SITE
TOLEDO, OHIO

INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referral to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.
7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:
 - a) The persons with whom you or such other persons made such arrangements;
 - b) Every date on which such arrangements took place;
 - c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) The owner of the waste materials or hazardous substances so accepted or transported;
 - e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The persons(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
- q) All persons with knowledge, information, or documents responsive to a - p above.

8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

NOTE

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001.

NOTE

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001.

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement his/her response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of his/her response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between 1951 and 1981. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to

the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36901 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA. In order to facilitate handling any confidential business or financial information, please provide such information on separate pages and group all such pages together in one portion of the response. Clearly identify the information as confidential by placing the word "confidential" in the upper right hand corner of the first page containing the information and on the cover letter transmitting it.

10. U.S. EPA has the authority to use the information requested herein in an administrative civil or criminal action.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "the Facility" shall mean and include the property on or about the Stickney Avenue Landfill and the Tyler Street Landfill in Toledo, Ohio.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances including petroleum products.
5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminant, hazardous wastes, solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The terms, "furnish", "describe", or "identify" or "indicate", shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. "Transaction" or "Transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.
17. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement,

check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 12 1993

To: Gus Speary
8/19/93

REPLY TO THE ATTENTION OF
5HSM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U.S. Reduction Company
3838 Cecelia Avenue
Toledo, OH 43608

RECEIVED TOLEDO PLT.
8/19/93
Jon Hendon

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio.

Dear Sir or Madam:

This Agency is conducting an investigation of the release or threatened release of hazardous substances at the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio during the time period of 1951 to 1981. The Agency is also investigating how the substances at the site came to be located there. We believe you may have information concerning these matters.

Under federal law (Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), you must respond to the enclosed information requests. If you do not respond fully and truthfully to each of the questions, or adequately justify your failure to respond, within thirty (30) days of your receipt this letter, enforcement action may be brought against you. For further definition of the potential penalties and legal references, please see the enclosed instructions.

Your response to this Information Request should be mailed to Marsha A. Adams, 5HSM-5J, Responsible Party Search Section, at the above address. Her telephone number is (312) 353-9484.

Please direct any legal questions you may have to Sherri Estes at (312) 886-7164. If you have any other questions, contact Thomas Barounis at (312) 353-5577.

Thank you for your cooperation in this matter.

Sincerely,

Thomas W. Mateer, Chief
Superfund Program Management Branch

NOTE

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001.

NOTE

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001.

INSTRUCTIONS

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2. Precede each answer with the number of the Information Request to which it corresponds.
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5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between 1951 and 1981. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to

the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36901 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 16, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA. In order to facilitate handling any confidential business or financial information, please provide such information on separate pages and group all such pages together in one portion of the response. Clearly identify the information as confidential by placing the word "confidential" in the upper right hand corner of the first page containing the information and on the cover letter transmitting it.

10. U.S. EPA has the authority to use the information requested herein in an administrative civil or criminal action.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "the Facility" shall mean and include the property on or about the Stickney Avenue Landfill and the Tyler Street Landfill in Toledo, Ohio.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances including petroleum products.
5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes, solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The terms, "furnish", "describe", or "identify" or "indicate", shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. "Transaction" or "Transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.
17. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement,

check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.

**STICKNEY AVENUE LANDFILL SITE
AND
TYLER STREET DUMP SITE
TOLEDO, OHIO
INFORMATION REQUESTS**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referral to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.
7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:
 - a) The persons with whom you or such other persons made such arrangements;
 - b) Every date on which such arrangements took place;
 - c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) The owner of the waste materials or hazardous substances so accepted or transported;
 - e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

- f) All tests, analyses, and analytical results concerning the waste materials;
 - g) The persons(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
 - j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
 - k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
 - l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
 - m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
 - n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
 - o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
 - p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
 - q) All persons with knowledge, information, or documents responsive to a - p above.
8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

Dwa Lfl.

ATTY OHIO
APR 20 10 12 AM '92
ENVIRONMENTAL
ENFORCEMENT

NOTICE OF APPEAL
TO THE OHIO ENVIRONMENTAL BOARD OF REVIEW

U.S. REDUCTION CO., f/k/a)
U.S. REDUCTION ACQUISITION)
CORP., a Delaware corporation,)
c/o CT CORPORATION SYSTEM,)
Statutory Agent, 815 Superior)
Avenue, N.E., Cleveland,)
Ohio 44114,)

Appellant,)

v.)

DONALD R. SCHREGARDUS,)
Director, Ohio Environmental)
Protection Agency,)
1800 Watermark Drive, Columbus,)
Ohio 43266,)

Appellee.)

NOTICE OF APPEAL AND
DEMAND FOR DE NOVO
HEARING

Notice is hereby given that U.S. Reduction Co., f/k/a U.S. Reduction Acquisition Corp., Appellant, hereby appeals to the Ohio Environmental Board of Review, from the Ohio Environmental Protection Agency Director's Final Findings and Orders entered on March 20, 1992, and made effective March 23, 1992. (A copy of the Director's Order is attached hereto as Exhibit "A".) In accordance with Ohio Revised Code, ("ORC"), §§ 3745.04 & 3745.05, and Ohio Administrative Code, ("OAC"), § 3746-5-07, Appellant states the following:

I.

SUBJECT MATTER OF THE APPEAL

1. This matter is an appeal of an order purportedly issued by the Director of the Ohio Environmental Protection Agency, (hereinafter "Ohio EPA" or "Director"), pursuant to ORC §§ 3734.13,

3734.20 and 6111.03 and which seeks the abatement of alleged pollution of the soil, groundwater and surface water at an abandoned landfill located on Dura Avenue in Toledo, Ohio, (hereinafter "Dura Landfill" or "Site"). (The document purporting to be the abatement order is entitled "Director's Final Findings and Orders" and shall be hereinafter referred to as the "Director's Order".)

2. The Director's Order is unilateral and ex parte, having been issued by the Director without prior notice or opportunity for public comment or adjudication hearing in accordance with ORC 119.09 and 119.10.

3. On its face, the Director's Order is not an emergency order and, therefore, any person, such as the Appellant herein, who was a party to the proceeding before the Director, (i.e., anyone named in the Director's Order as a respondent), has an absolute right to a de novo appeal before the Ohio Environmental Board of Review ("EBR"), pursuant to ORC §§ 3745.04 and 3745.05.

II.

PERSON MAKING THE APPEAL

1. Appellant, U.S. Reduction Co., (hereinafter "U.S. Reduction II"), is a Delaware corporation which was formerly known as U.S. Reduction Acquisition Corp., having been incorporated on or about February 28, 1984.

2. By agreement dated May 30, 1984, by and between U.S. Reduction II and two corporations now known as 2025 Corporation and Primerica Holdings, Inc., U.S. Reduction II acquired some of 2025

Corporation's assets. Among the assets purchased was a secondary aluminum smelting plant owned and operated by 2025 Corporation between 1949 and 1984 and which is located at 3838 Cecelia Avenue, Toledo, Ohio 43608. (Primerica Holdings, Inc. is a Delaware corporation that is the successor in interest to another Delaware corporation formerly known as "American Can Company". American Can Company was 2025 Corporation's parent from 1976 to 1986. 2025 Corporation is a Delaware corporation that was formerly known as "U.S. Reduction Co." Primerica Holdings, Inc. shall hereinafter be referred to as "American Can" and 2025 Corporation shall hereinafter be referred to as "U.S. Reduction I".)

3. U.S. Reduction II objects to and denies that it was in existence prior to February 28, 1984 and, therefore, it objects to and denies that it was a "person" as defined by ORC §§ 3734.01 or 6111.01 when all of the actions allegedly giving rise to liability occurred (i.e., 1952-1968). However, at the time that the Director's Order was issued, U.S. Reduction II was "any person" as that term is used in ORC 3745.04 and was named, (albeit wrongfully named), as a respondent in the Director's Order and, therefore, it was a party to the proceeding before the Director. And, as a consequence thereof, U.S. Reduction II is being forced to appeal the Director's Order as unlawful and unreasonable because, although it has been wrongfully named a respondent herein, until such time as the EBR or a court so rules, U.S. Reduction II is subject to the various civil and criminal penalties, etc., for failure to timely comply with that order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

The City of Toledo,)	Case No. 3:90 CV 7140
)	
Plaintiff,)	[Hon. Nicholas J. Walinski]
)	
v.)	DEFENDANT U.S. REDUCTION
)	COMPANY'S RESPONSES AND
Allied-Signal, Inc.,)	OBJECTIONS TO PLAINTIFFS'
et al.,)	FIRST SET OF INTERROGATORIES
)	<u>TO U.S. REDUCTION</u>
Defendants.)	

For its responses and objections to plaintiff's first set of interrogatories propounded to it, defendant U.S. Reduction Company, pursuant to Fed. R. Civ. P. 26 and 33, responds as follows:

GENERAL OBJECTIONS

Defendant U.S. Reduction Company generally objects to plaintiff's first set of interrogatories and requests for production of documents on the basis that they exceed thirty-five (35) in number, including sub-parts, and no leave of court has been obtained permitting the excess interrogatories and document requests, in violation of this court's standard "Initial Order" filed May 10, 1988.

similar corporate transactions, and identify each predecessor entity or subsidiary for which defendant has assumed some or all of its liabilities or obligations.

ANSWER: OBJECTION. U.S. Reduction Company objects to this interrogatory requesting a general corporate history on the grounds that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2: Identify each location within fifty miles of Toledo, Ohio, at which the defendant conducted business at which hazardous substances were handled, used, stored, or generated, or from which defendant was involved in the transportation of hazardous substances for disposal.

ANSWER: OBJECTION. Interrogatory No. 2 assumes facts in dispute and not in evidence. Also, the interrogatory is broad and unduly burdensome because it is not limited to this lawsuit. Without waiving its objection, to the extent presently ascertainable, and without conceding or admitting the hazardous nature of the foregoing, defendant U.S. Reduction Company had the following location within fifty (50) miles of Toledo, Ohio:

U.S. Reduction Company
3838 Cecelia Avenue
Toledo, Ohio 43608

INTERROGATORY NO. 3: For each business location identified in response to Interrogatory No. 2, identify each hazardous substance which was handled, used, stored or generated at that location.

ANSWER: OBJECTION. Interrogatory No. 3 assumes facts in dispute and not in evidence. Also, the interrogatory is broad and unduly burdensome because it is not limited to this lawsuit. Without waiving its objection, to the extent presently ascertainable, and without conceding or admitting the hazardous nature of the foregoing, defendant U.S. Reduction Company believes the following chemical components were present at its Toledo location: chlorine, aluminum dust, copper and petroleum.

INTERROGATORY NO. 4: For each business location identified in response to Interrogatory Nos. 2 and 3, identify each disposal facility, or other location, where hazardous substances owned or possessed by defendant were disposed of.

ANSWER: OBJECTION. Interrogatory No. 4 assumes facts in dispute and not in evidence. Also, the interrogatory is broad and unduly burdensome because it is not limited to this lawsuit. Without waiving its objection, to the extent presently ascertainable, during 1952-1968, defendant U.S. Reduction Company utilized no disposal locations of its own. It used disposal companies for its industrial wastes as follows: Community Sanitation Services, Inc. and Barry Counsins.

INTERROGATORY NO. 5: Identify each hazardous substance owned or possessed by defendant which was disposed of at each facility identified in response to Interrogatory No. 4.

ANSWER: OBJECTION. See answers to Interrogatories Nos. 3 and 4, infra.

INTERROGATORY NO. 25: Identify and state all facts relating to each specific location where documents may be found which relate to the defendant's use, handling, generation, storage, transportation or disposal of hazardous substances, pollutants or contaminants, petroleum products, and solid wastes, including descriptions of the volumes and types of documents to be found at each location.

ANSWER: Such documents as may be presently available are located at:

U.S. Reduction Company
9200 Calumet Avenue
Munster, Indiana 46321

INTERROGATORY NO. 26: State all facts relating to communications between the defendant or defendant's representatives of any government official relating to the Dura Avenue Site.

ANSWER: OBJECTION. Impossibly broad and unduly burdensome to answer.

INTERROGATORY NO. 27: Identify each legal disposal site within fifty miles of Toledo and known to the defendant for each year between 1950 and 1972 which was available for disposal of hazardous substances, petroleum products, pollutants or contaminants, or liquid industrial waste.

ANSWER: OBJECTION. This interrogatory is unfair and calls for a legal conclusion.

FIRST CLASS MAIL

Much Shelist Freed Denenberg & Ament, P.C.

200 North LaSalle Street, Suite 2100
Chicago, Illinois 60601-1095

Marsha A. Adams
5 HSM-5J, Responsible Party Search Section
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